

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

HOME OIL COMPANY, INC.,)
)
 Plaintiff,)
)
 v.) CASE NO. 1:07-cv-00184-WKW
) [wo]
 FLYING J INC.,)
)
 Defendant.)

ORDER

This action is presently before the court on Plaintiff's Voluntary Motion to Dismiss (Doc. # 4). Since defendant has not yet answered or filed a motion for summary judgment, plaintiff is entitled to dismiss this action pursuant to Fed. R. Civ. P. 41(a)(1)(i), which permits voluntary dismissal by plaintiffs without further order of the court. Accordingly, it is ORDERED that the motion to dismiss is GRANTED, and this action is DISMISSED without prejudice.

An appropriate judgment will be entered.

DONE this the 14th day of March, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE